

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-CR-00108-RJC

USA)
)
v.) ORDER
)
DELTON JEFFREY HUNT)
)

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 794 to the United States Sentencing Guidelines (USSG) clarifying §3B1.2. (Doc. No. 25).

The defendant's Judgment was entered on January 31, 2012, (Doc. No. 18), which he did not appeal. He claims that he is entitled to re-calculation of the offense level based on amendments to the commentary relating to the mitigating role adjustment that became effective November 1, 2015. (Doc. No. 25: Motion at 1). Although Amendment 794 has been found to be retroactive to cases on direct appeal, United States v. Quintero-Leyva, 823 F.3d 519, 523 (9th Cir. 2016), the defendant has not provided any authority establishing the amendment is retroactive to his final judgment. Additionally, USSG §1B1.10(c) (2015), which lists amendments to be applied retroactively, does not include Amendment 794. Accordingly, the defendant is not eligible for a sentence reduction.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 25), is **DENIED**.

Signed: September 26, 2016



Robert J. Conrad, Jr.
United States District Judge
